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Attorneys for Defendants KAISER ALUMINUM CORPORATION and KAISER ALUMINUM & CHEMICAL CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**MOSS LANDING COMMERCIAL PARK  
LLC,**

CASE NO. C07 06072 RMW/PVT

## **STIPULATION AND [PROPOSED] ORDER**

Plaintiff,

V.

KAISER ALUMINUM CORPORATION,  
KAISER ALUMINUM & CHEMICAL  
CORPORATION, and DOES 1 through  
100,

## Defendants.

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1           WHEREAS, plaintiff has filed and served its First Amended Complaint upon defendants  
2 Kaiser Aluminum Corporation and Kaiser Aluminum & Chemical Corporation (collectively, the  
3 "Kaiser Defendants");

4           WHEREAS, the Kaiser Defendants assert that the litigation is barred by the relief granted  
5 to the Kaiser Defendants due to their Chapter 11 bankruptcy proceedings;

6           WHEREAS, the Kaiser Defendants are seeking an order from the Delaware bankruptcy  
7 court to quash and bar the litigation;

8           WHEREAS, the parties agreed amongst themselves that the motion by the Kaiser  
9 Defendants in the Delaware bankruptcy court may be heard by that court on February 25, 2008,  
10 that plaintiff's Opposition will be due Feb. 8, and that defendants' Reply will be due Feb. 15;

11          WHEREAS, the Delaware bankruptcy court has now approved the Feb. 25 hearing date  
12 and the proposed briefing schedule, as reflected in its orders, and has cancelled a case  
13 management conference that was scheduled for January 28, 2008; and,

14          WHEREAS, the parties wish to conserve judicial resources.

15          NOW, THEREFORE, do plaintiff and the Kaiser Defendants stipulate as follows:

16          1.       The last day for the Kaiser Defendants to file a responsive pleading to the First  
17 Amended Complaint shall be ten calendar days following the ruling by the Delaware bankruptcy  
18 court on the motion by the Kaiser Defendants.

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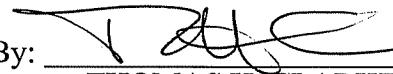
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26          ///

27          ///

Dated: January 17, 2008

ROPER, MAJESKI, KOHN & BENTLEY

By: 

THOMAS H. CLARKE, JR.  
Attorneys for Plaintiff MOSS LANDING  
COMMERCIAL PARK LLC

Dated: January 17, 2008

JONES DAY

By: \_\_\_\_\_

TOBIAS S. KELLER  
Attorneys for Defendants KAISER  
ALUMINUM CORPORATION and  
KAISER ALUMINUM & CHEMICAL  
CORPORATION

**IT IS SO ORDERED.**

Dated: January , 2008

The Honorable Ronald M. White  
United States District Court Judge

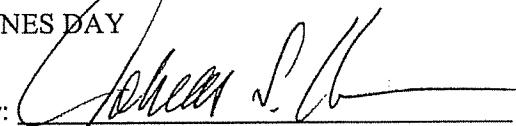
Dated: January 17, 2008

1 ROPERS, MAJESKI, KOHN & BENTLEY  
2

3 By: \_\_\_\_\_  
4 THOMAS H. CLARKE, JR.  
5 Attorneys for Plaintiff MOSS LANDING  
6 COMMERCIAL PARK LLC  
7

8 Dated: January 17, 2008

9 JONES DAY  
10

11 By:   
12 TOBIAS S. KELLER  
13 Attorneys for Defendants KAISER  
14 ALUMINUM CORPORATION and  
15 KAISER ALUMINUM & CHEMICAL  
16 CORPORATION  
17

18 **IT IS SO ORDERED.**

19 Dated: January , 2008

20 The Honorable Ronald M. White  
21 United States District Court Judge  
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